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Medieval Sourcebook:

Twelfth Ecumenical Council: Lateran IV 1215

The Canons of the Fourth Lateran Council, 1215

CANON 1

Text: We firmly believe and openly confess that there is only one true God, eternal and immense, omnipotent, unchangeable, incomprehensible, and ineffable, Father, Son, and Holy Ghost; three Persons indeed but one essence, substance, or nature absolutely simple; the Father (proceeding) from no one, but the Son from the Father only, and the Holy Ghost equally from both, always without beginning and end. The Father begetting, the Son begotten, and the Holy Ghost proceeding; consubstantial and coequal, co-omnipotent and coeternal, the one principle of the universe, Creator of all things invisible and visible, spiritual and corporeal, who from the beginning of time and by His omnipotent power made from nothing creatures both spiritual and corporeal, angelic, namely, and mundane, and then human, as it were, common, composed of spirit and body. The devil and the other demons were indeed created by God good by nature but they became bad through themselves; man, however, sinned at the suggestion of the devil. This Holy Trinity in its common essence undivided and in personal properties divided, through Moses, the holy prophets, and other servants gave to the human race at the most opportune intervals of time the doctrine of salvation.

And finally, Jesus Christ, the only begotten Son of God made flesh by the entire Trinity, conceived with the co-operation of the Holy Ghost of Mary ever Virgin, made true man, composed of a rational soul and human flesh, one Person in two natures, pointed out more clearly the way of life. Who according to His divinity is immortal and impassable, according to His humanity was made passable and mortal, suffered on the cross for the salvation of the human race, and being dead descended into hell, rose from the dead, and ascended into heaven. But He descended in soul, arose in flesh, and ascended equally in both; He will come at the end of the world to judge the living and the dead and will render to the reprobate and to the elect according to their works. Who all shall rise with their own bodies which they now have that they may receive according to their merits, whether good or bad, the latter eternal punishment with the devil, the former eternal glory with Christ.

There is one Universal Church of the faithful, outside of which there is absolutely no salvation. In which there is the same priest and sacrifice, Jesus Christ, whose body and blood are truly contained in the sacrament of the altar under the forms of bread and wine; the bread being changed (*transsubstantiatio*) by divine power into the body, and the wine into the blood, so that to realize the mystery of unity we may receive of Him what He has received of us. And this sacrament no one can effect except the priest who has been duly ordained in accordance with the keys of the Church, which Jesus Christ Himself gave to the Apostles and their successors.

But the sacrament of baptism, which by the invocation of each Person of the Trinity, namely of the Father, Son, and Holy Ghost, is effected in water, duly conferred on children and adults in

the form prescribed by the Church by anyone whatsoever, leads to salvation. And should anyone after the reception of baptism have fallen into sin, by true repentance he can always be restored. Not only virgins and those practicing chastity, but also those united in marriage, through the right faith and through works pleasing to God, can merit eternal salvation.

CANON 2

Text: We condemn, therefore, and reprobate the book or tract which Abott Joachim published against Master Peter Lombard concerning the unity or essence of the Trinity, calling him heretical and insane because he said in his Sentences that the Father, Son, and Holy Ghost are some supreme entity in which there is no begetting, no begotten, and no proceeding. Whence he asserts that he (Peter Lombard) attributed to God not so much a trinity as a quaternity, namely, three Persons and that common essence as a fourth, clearly protesting that there is no entity that is Father, Son, and Holy Ghost, neither is it essence or substance or nature, though he concedes that the Father, Son, and Holy Ghost are one essence, one substance, and one nature. But he says that such a unity is not a true and proper (proprium) unity, but rather a collective one or one by way of similitude, as many men are called one people and many faithful one Church, according to the words: "The multitude of believers had but one heart and one soul" (Acts 4: 32); and, "He who is joined to the Lord, is one spirit" (I Cor. 6: 17); similarly, "He that planteth and he that watereth, are one" (I Cor- 3: 8); and, "So we being many, are one body in Christ" (Rom. 12: 5). Again in the Book of Kings (Ruth): "My people and thy people are one" (Ruth I: i6). To strengthen this teaching he cites that most important word which Christ spoke concerning the faithful in the Gospel: will, Father, that they may be one, as we also are one, that they may be made perfect in one" (John 17: 22 f.). For the faithful of Christ, he says, are not one in the sense that they are some one thing that is common to all, but in the sense that they constitute one Church by reason of the unity of the Catholic faith and one kingdom by reason of the union of indissoluble charity, as we read in the canonical Epistle of St. John: "There are three who give testimony in heaven, the Father, the Word, and the Holy Ghost; and these three are one" (I John 5: 7). And immediately it is added: "And there are three who give testimony on earth, the spirit, the water, and the blood; and these three are one" (I John 5: 8), as it is found in some codices.

But we, with the approval of the holy and general council, believe and confess with Peter (Lombard) that there is one supreme entity, incomprehensible and ineffable, which is truly Father, Son, and Holy Ghost, together (simul) three persons and each one of them singly. And thus in God there is only trinity, not quaternity, because each of the three persons is that entity, namely, substance, essence, or divine nature, which alone is the principle of the universe and besides which there is no other. And that entity is not the one begetting or the one begotten or the one proceeding, but it is the Father who begets, the Son who is begotten, and the Holy Ghost proceeds, in order that there may be distinctions in the Persons who unity in the nature. Though, therefore, the Father is one (being), and the Son is another, and the Holy Ghost is another, yet they are not different (non tamen aliud); but that which is the Father that is the Son and the Holy Ghost, absolutely the same, since according to the Orthodox and Catholic faith they are believed to be consubstantial. For the Father begetting the Son from eternity imparted to Him His own substance, as He Himself testifies: "That which my father hath given me, is greater than all" (John 10: 29). And it cannot- be said that He gave to Him a part of His substance and retained a part for Himself, since the substance of the Father is indivisible, that is, absolutely simple. But neither can it be said that Father in begetting transferred His substance to the Son, as if gave it to the Son without retaining it for Himself, otherwise He would cease to be a substance. It is evident, therefore, that the Son in being begotten received without any diminution the substance of the Father and thus the Father and Son as well as the Holy Ghost proceeding from both are the same entity. When therefore the

Truth prays to the Father for the faithful, saying: "I will that they be one in us, even as we are one" (John 7: 22), this term "one" is understood first for the faithful, as implying a union of charity in grace, then for the divine persons, as implying a unity of identity in nature; as the Truth says in another place: "Be you perfect, as your heavenly Father is perfect" (Matt. 5: 48); as if He would say more clearly: be perfect by the perfection of grace as your heavenly Father is perfect by the perfection of nature, namely, each in his own way, because between the Creator and the creature there cannot be a likeness so great that the unlikeness is not greater. If therefore anyone presume to defend or approve the teaching of the aforesaid Joachim on this point, let him be repressed by all as a heretic.

In this, however, we do not wish to derogate in anything from the monastery of Flora, which Joachim himself founded, since therein is both the regular life and salutary observance, but chiefly because the same Joachim ordered that his writings be submitted to us to be approved or corrected by the judgment of the Apostolic See, dictating a letter which he subscribed with his own hand, in which he firmly confesses that he holds that faith which the Roman Church holds, which by the will of God is the mother and mistress of all the faithful. We also reprobate and condemn the perverse teaching of the impious Amaury (Almaricus, Amalricus) de Bene, whose mind the father of lies has so darkened that his teaching is to be regarded not so much heretical as insane.

CANON 3

Text. We excommunicate and anathematize every heresy that raises against the holy, orthodox and Catholic faith which we have above explained; condemning all heretics under whatever names they may be known, for while they have different faces they are nevertheless bound to each other by their tails, since in all of them vanity is a common element. Those condemned, being handed over to the secular rulers of their bailiffs, let them be abandoned, to be punished with due justice, clerics being first degraded from their orders. As to the property of the condemned, if they are laymen, let it be confiscated; if clerics, let it be applied to the churches from which they received revenues. But those who are only suspected, due consideration being given to the nature of the suspicion and the character of the person, unless they prove their innocence by a proper defense, let them be anathematized and avoided by all until they have made suitable satisfaction; but if they have been under excommunication for one year, then let them be condemned as heretics. Secular authorities, whatever office they may hold, shall be admonished and induced and if necessary compelled by ecclesiastical censure, that as they wish to be esteemed and numbered among the faithful, so for the defense of the faith they ought publicly to take an oath that they will strive in good faith and to the best of their ability to exterminate in the territories subject to their jurisdiction all heretics pointed out by the Church; so that whenever anyone shall have assumed authority, whether spiritual or temporal, let him be bound to confirm this decree by oath. But if a temporal ruler, after having been requested and admonished by the Church, should neglect to cleanse his territory of this heretical foulness, let him be excommunicated by the metropolitan and the other bishops of the province. If he refuses to make satisfaction within a year, let the matter be made known to the supreme pontiff, that he may declare the ruler's vassals absolved from their allegiance and may offer the territory to be ruled by lay Catholics, who on the extermination of the heretics may possess it without hindrance and preserve it in the purity of faith; the right, however, of the chief ruler is to be respected as long as he offers no obstacle in this matter and permits freedom of action. The same law is to be observed in regard to those who have no chief rulers (that is, are independent). Catholics who have girded themselves with the cross for the extermination of the heretics, shall enjoy the indulgences and privileges granted to those who go in defense of the Holy Land.

We decree that those who give credence to the teachings of the heretics, as well as those who receive, defend, and patronize them, are excommunicated; and we firmly declare that after any one of them has been branded with excommunication, if he has deliberately failed to make satisfaction within a year, let him incur *ipso jure* the stigma of infamy and let him not be admitted to public offices or deliberations, and let him not take part in the election of others to such offices or use his right to give testimony in a court of law. Let him also be intestable, that he may not have the free exercise of making a will, and let him be deprived of the right of inheritance. Let no one be urged to give an account to him in any matter, but let him be urged to give an account to others. If perchance he be a judge, let his decisions have no force, nor let any cause be brought to his attention. If he be an advocate, let his assistance by no means be sought. If a notary, let the instruments drawn up by him be considered worthless, for, the author being condemned, let them enjoy a similar fate. In all similar cases we command that the same be observed. If, however, he be a cleric, let him be deposed from every office and benefice, that the greater the fault the graver may be the punishment inflicted.

If any refuse to avoid such after they have been ostracized by the Church, let them be excommunicated till they have made suitable satisfaction. Clerics shall not give the sacraments of the Church to such pestilential people, nor shall they presume to give them Christian burial, or to receive their alms or offerings; otherwise they shall be deprived of their office, to which they may not be restored without a special indult of the Apostolic See. Similarly, all regulars, on whom also this punishment may be imposed, let their privileges be nullified in that diocese in which they have presumed to perpetrate such excesses.

But since some, under "the appearance of godliness, but denying the power thereof," as the Apostle says (II Tim. 3: 5), arrogate to themselves the authority to preach, as the same Apostle says: "How shall they preach unless they be sent?" (Rom. 10:15), all those prohibited or not sent, who, without the authority of the Apostolic See or of the Catholic bishop of the locality, shall presume to usurp the office of preaching either publicly or privately, shall be excommunicated and unless they amend, and the sooner the better, they shall be visited with a further suitable penalty. We add, moreover, that every archbishop or bishop should himself or through his archdeacon or some other suitable persons, twice or at least once a year make the rounds of his diocese in which report has it that heretics dwell, and there compel three or more men of good character or, if it should be deemed advisable, the entire neighborhood, to swear that if anyone know of the presence there of heretics or others holding secret assemblies, or differing from the common way of the faithful in faith and morals, they will make them known to the bishop. The latter shall then call together before him those accused, who, if they do not purge themselves of the matter of which they are accused, or if after the rejection of their error they lapse into their former wickedness, shall be canonically punished. But if any of them by damnable obstinacy should disapprove of the oath and should perchance be unwilling to swear, from this very fact let them be regarded as heretics.

We wish, therefore, and in virtue of obedience strictly command, that to carry out these instructions effectively the bishops exercise throughout their dioceses a scrupulous vigilance if they wish to escape canonical punishment. If from sufficient evidence it is apparent that a bishop is negligent or remiss in cleansing his diocese of the ferment of heretical wickedness, let him be deposed from the episcopal office and let another, who will and can confound heretical depravity, be substituted.

CANON 4

Summary. Those baptized by the Latins must not be rebaptized by the Greeks.

Text. Though we wish to favor and honor the Greeks who in our days are returning to the obedience of the Apostolic See by permitting them to retain their customs and rites in so far as the interests of God allow us, in those things, however, that are a danger to souls and derogatory to ecclesiastical propriety, we neither wish nor ought to submit to them. After the Church of the Greeks with some of her accomplices and supporters had severed herself from the obedience of the Apostolic See, to such an extent did the Greeks begin hating the Latins that among other things which they impiously committed derogatory to the Latins was this, that when Latin priests had celebrated upon their altars, they would not offer the sacrifice upon those altars till the altars had first been washed, as if by this they had been defiled. Also, those baptized by the Latins the Greeks rashly presume to rebaptize, and even till now, as we understand, there are some who do not hesitate to do this. Desirous, therefore, of removing such scandal from the Church of God, and advised by the holy council, we strictly command that they do not presume to do such things in the future, but conform themselves as obedient children to the Holy Roman Church, their mother, that there may be "one fold and one shepherd." If anyone shall presume to act contrary to this, let him be excommunicated and deposed from every office and ecclesiastical benefice.

CANON 5

Summary. The council approves the existing order of the patriarchal sees and affirm, three of their privileges: their bishops may confer the pallium and may have the cross borne before them, and appeals may be taken to them.

Text. Renewing the ancient privileges of the patriarchal sees, we decree with the approval of the holy and ecumenical council, that after the Roman Church, which by the will of God holds over all others pre-eminence of ordinary power as the mother and mistress of all the faithful, that of Constantinople shall hold first place, that of Alexandria second, that of Antioch third, and that of Jerusalem fourth, the dignity proper to each to be observed; so that after their bishops have received from the Roman pontiff the pallium, which is the distinguishing mark of the plenitude of the pontifical office, and have taken the oath of fidelity and obedience to him, they may also lawfully bestow the pallium upon their suffragans, receiving from them the canonical profession of faith for themselves, and for the Roman Church the pledge of obedience. They may have the standard of the cross borne before them everywhere, except in the city of Rome and wherever the supreme pontiff or his legate wearing the insignia of Apostolic dignity is present. In all provinces subject to their jurisdiction appeals may be taken to them when necessary, saving the appeals directed to the Apostolic See, which must be humbly respected.

CANON 6

SUMMARY Provincial synod, for the correction of abuses and the enforcement of canonical enactments must be held annually. To ensure this, reliable persons are to be appointed who will investigate such thin as need correction.

Text. In accordance with the ancient provisions of the holy Fathers, the metropolitans must not neglect to hold with their suffragans the annual provincial synods. In these they should be actuated with a genuine fear of God in correcting abuses and reforming morals, especially the morals of the clergy, familiarizing themselves anew with the canonical rules, particularly those that are enacted in this general council, that they may enforce their observance by imposing due punishment on transgressors. That this may be done more effectively, let them appoint in each and every diocese prudent and upright persons, who throughout the entire year shall informally and without any jurisdiction diligently investigate such things as need correction or

reform and faithfully present them to the metropolitan, suffragans, and others in the following synod, so that they may give prudent consideration to these and other matters as circumstances demand; and in reference to those things that they decree, let them enforce observance, publishing the decisions in the episcopal synods to be held annually in each diocese. Whoever shall neglect to comply with this salutary statute, let him be suspended from his office and benefits till it shall please his superior to restore him.

CANON 7

Summary No custom or appeal shall hinder prelates from correcting abuses and reforming the morals of their subjects. If the chapter neglects to correct the excesses of the canons, it shall devolve upon the bishop to do so. Prelates shall not use this statute as means of pecuniary gain.

Text. By an irrefragable decree we ordain that prelates make a prudent and earnest effort to correct the excesses and reform the morals of their subjects, especially of the clergy, lest their blood be demanded at their hands. But that they may perform unhindered the duty of correction and reform, we decree that no custom or appeal shall stand in the way of their efforts, unless they shall have exceeded the form to be observed in such cases. The abuses, however, of the canons of the cathedral church, the correction of which has by custom belonged to the chapter, shall, in those churches in which such a custom has hitherto prevailed, by the advice or command of the bishop be corrected within a reasonable time specified by the bishop. Otherwise the bishop, having in mind the interests of God, opposition notwithstanding, shall not delay to correct them means of ecclesiastical censure according as the *cura animarum* demands. Nor shall he neglect to correct the excesses also of the other clerics (those assisting the canons) according as the *cura animarum* requires, due order, however, being observed in all things. If the canons without a manifest and reasonable cause, chiefly through contempt for the bishop, discontinue divine services, the bishop may, if he wishes, celebrate in the cathedral church, and on his complaint the metropolitan, as delegated by us in this matter, shall so punish them with ecclesiastical censure that for fear of a repetition of the punishment they will not presume to do such things in the future. Let the prelates of the churches, therefore, be diligently on their guard that they do not convert this salutary decree into a means of personal profit or other objectionable conduct, but let them enforce it earnestly and faithfully if they wish to escape canonical punishment, for in this matter the Apostolic See, on the authority of the Lord, will be most vigilant.

CANON 8

SUMMARY: Reports of serious irregularities by prelates and inferior clerics must be investigated by the superior. The accused must be given occasion to defend himself and, if found 'guilty, must be punished accordingly.

Text:. How and when a prelate ought to proceed in the inquiry and punishment of the excesses of subjects (that is, of clerics), is clearly deduced from the authority of the New and Old Testaments, from which the canonical decrees were afterward drawn, as we have long since clearly pointed out and now with the approval of the holy council confirm. For we read in the Gospel that the steward who was accused to his master of wasting his goods, heard him say: "How is it that I hear this of thee? Give an account of thy stewardship, for now thou canst be steward no longer" (Luke 16: 2). And in Genesis the Lord said: "I will go down and see whether they have done according to the cry that is come to me" (Gen. 18: 21). From these authorities it is clearly proved that not only when a subject (that is, a cleric of a lower rank) but also when a prelate is guilty of excesses and these should come to the ears of the superior through

complaint and report, not indeed from spiteful and slanderous persons, but from those who are prudent and upright persons, and not only once but often, he must in the presence of the seniors of the church carefully inquire into the truth of such reports, so that if they prove to be true, the guilty party may be duly punished without the superior being both accuser and judge in the matter. But, while this is to be observed in regard to subjects, the observance must be stricter in reference to prelates, who are, as it were, a target for the arrow. Because they cannot please all, since by their very office they are bound not only to rebuke but also at times to loose and bind, they frequently incur the hatred of many and are subject to insidious attacks. The holy fathers, therefore, wisely decreed that accusations against prelates must be accepted with great reserve lest, the pillars being shattered, the edifice itself fall unless proper precaution be exercised by which recourse not only to false but also malicious incrimination is precluded. They wished so to protect prelates that on the one hand they might not be unjustly accused, and on the other hand that they might be on their guard, lest they should become haughtily delinquent; finding a suitable remedy for each disease in the provision that a criminal accusation which calls for a *diminutio capitis*, that is, degradation, is by no means to be accepted, *nisi legitima praecedat inscriptio*. But when anyone shall have been accused on account of his excesses, so that the reports and whisperings arising therefrom cannot any longer be ignored without scandal or tolerated without danger, then steps, inspired not by hatred but by charity, must be taken without scruple toward an inquiry and punishment of his excesses. If it is a question of a grave offense, though not one that calls for a *degradatio ab ordine*, the accused must be deprived absolutely of all administrative authority, which is in accordance with the teaching of the Gospel, namely, that the steward who cannot render a proper account of his office as steward be deprived of his stewardship. He about whom inquiry is to be made must be present, unless he absents himself through stubbornness; and the matter to be investigated must be made known to him, that he may have opportunity to defend himself. Not only the testimony of the witnesses but also their names must be made known to him, that he may be aware who testified against him and what was their testimony; and finally, legitimate exceptions and replications must be admitted, lest by the suppression of names and by the exclusion of exceptions the boldness of the defamer and the false witness be encouraged. The diligence of the prelate in correcting the excesses of his subjects ought to be in proportion to the blameworthiness of allowing the offense to go unpunished. Against such offenders, to say nothing of those who are guilty of notorious crimes, there can be a threefold course of procedure, namely, by accusation, by denunciation, and by inquiry, in all of which, however, proper precaution must be exercised lest perchance by undue haste grave detriment should result. The accusation must be preceded by the *legitima inscriptio*, denunciation by the *caritativa admonitio*, and the inquiry by the *clamosa insinuatio (diffamatio)*; such moderation to be always used that the *forma sententiae* be governed by the *forma iudicii*. The foregoing, however, does not apply to regular clerics, who, when a reason exists, can be removed from their charges more easily and expeditiously.

CANON 9

SUMMARY: In cities and dioceses where there are people of different languages, the bishop must provide suitable priests to minister to them. If necessity requires, let him appoint a vicar who shall be responsible to him. There may not, however, be two bishops in the same diocese.

Text: Since in many places within the same city and diocese there are people of different languages having one faith but various rites and customs, we strictly command that the bishops of these cities and dioceses provide suitable men who will, according to the different rites and languages, celebrate the divine offices for them, administer the sacraments of the Church and instruct them by word and example. But we absolutely forbid that one and the same city or diocese have more than one bishop, one body, as it were, with several heads,

which is a monstrosity. But if by reason of the aforesaid conditions an urgent necessity should arise, let the bishop of the locality after due deliberation appoint a prelate acceptable to those races, who shall act as vicar in the aforesaid matters and be subject to him all things. If anyone shall act otherwise, let him consider himself excommunicated; and if even then he will not amend, let him be deposed from every ecclesiastical ministry, and if need be, let the secular arm be employed, that such insolence may be curbed.

CANON 10

SUMMARY: Bishops who are unable to preach the word of God to the people are to provide suitable men to do it for them. They must see to it that the needs of the clergy so appointed are supplied, otherwise their work will prove a failure.

Text: Among other things that pertain to the salvation of the Christian people, the food of the word of God is above all necessary, because as the body is nourished by material food, so is the soul nourished by spiritual food, since "not in bread alone doth man live but in every word that proceedeth from the mouth of God" (Matt. 4: 4). It often happens that bishops, on account of their manifold duties or bodily infirmities, or because of hostile invasions or other reasons, to say nothing of lack of learning, which must be absolutely condemned in them and is not to be tolerated in the future, are themselves unable to minister the word of God to the people, especially in large and widespread dioceses. Wherefore we decree that bishops provide suitable men, powerful in work and word, to exercise with fruitful result the office of preaching; who in place of the bishops, since these cannot do it, diligently visiting the people committed to them, may instruct them by word and example. And when they are in need, let them be supplied with the necessities, lest for want of these they may be compelled to abandon their work at the very beginning. Wherefore we command that in cathedral churches as well as in conventual churches suitable men be appointed whom the bishops may use as coadjutors and assistants, not only in the office of preaching but also in hearing confessions, imposing penances, and in other matters that pertain to the salvation of souls. If anyone neglect to comply with this, he shall be subject to severe punishment.

CANON 11

SUMMARY In every cathedral church and other churches also that have sufficient means, a master is to be appointed to instruct gratis the clerics and poor students. The metropolitan church ought to have a theologian who shall teach the clergy whatever pertains to the cura animarum (i.e. care of souls).

Text. Since there are some who, on account of the lack of necessary means, are unable to acquire an education or to meet opportunities for perfecting themselves, the Third Lateran Council in a salutary decree provided that in every cathedral church a suitable benefice be assigned to a master who shall instruct *gratis* the clerics of that church and other poor students, by means of which benefice the material needs of the master might be relieved and to the students a way opened to knowledge. But, since in many churches this is not observed, we, confirming the aforesaid decree, add that, not only in every cathedral church but also in other churches where means are sufficient, a competent master be appointed by the prelate with his chapter, or elected by the greater and more discerning part of the chapter, who shall instruct *gratis* and to the best of his ability the clerics of those and other churches in the art of grammar and in other branches of knowledge. In addition to a master, let the metropolitan church have also a theologian, who shall instruct the priests and others in the Sacred Scriptures and in those things especially that pertain to the cura animarum. To each master let there be assigned by the chapter the revenue of one benefice, and to the theologian let as

much be given by the metropolitan; not that they thereby become canons, but they shall enjoy the revenue only so long as they hold the office of instructor. If the metropolitan church cannot support two masters, then it shall provide for the theologian in the aforesaid manner, but for the one teaching grammar, let it see to it that a sufficiency is provided by another church of its city or diocese.

CANON 12

SUMMARY: Provincial chapters of regulars are to be held every three years. All not canonically impeded must attend. The chapters to be under the guidance of two Cistercians, and careful attention is to be given to the reform of the order and to regular observance. Visitation of monasteries and nunneries. Ordinaries must strive to reform monasteries and ward off molestation of them by lay officials.

Text: In every ecclesiastical province there shall be held every three years, saving the right of the diocesan ordinaries, a general chapter of abbots and of priors having no abbots, who have not been accustomed to celebrate such chapters. This shall be held in a monastery best adapted to this purpose and shall be attended by all who are not canonically impeded, with this restriction, however, that no one bring with him more than six horses and eight persons. In inaugurating this new arrangement, let two neighboring abbots of the Cistercian order be invited to give them counsel and opportune assistance, since among them the celebration of such chapters is of long standing. These two Cistercians shall without hindrance choose from those present two whom they consider the most competent, and these four shall preside over the entire chapter, so that no one of these four may assume the authority of leadership; should it become expedient, they may be changed by prudent deliberation. Such a chapter shall be celebrated for several consecutive days according the custom of the Cistercian order. During its deliberations careful attention is to be given to the reform of the order and to regular observance, and what has been enacted with the approval of the four shall be observed inviolably by all, excuses, contradictions, and appeals to the contrary notwithstanding. In each of these chapters the place for the holding of the following one is to be determined. All those in attendance, even if for want of room many must occupy other houses, must live the *vita communis* and bear proportionately all common expenses. In the same chapter religious and prudent persons should be appointed who, in our name, shall visit every abbey in the province, not only of monks but also of nuns, according to a form prescribed for them, correcting and reforming those things that need correction and reform; so that, if they should know that the rector of a locality ought to be removed from office, let them make it known to his bishop, that he may procure his removal; but if he should neglect to do it, then the appointed visitors shall refer the matter to the attention of the Apostolic See. We wish and command that canons regular observe this according to their order. But if in this new arrangement a difficulty should arise which cannot be disposed of by the aforesaid persons, let it be referred without scandal to the judgment of the Apostolic See; in the meantime let the other things that have been accomplished by amicable deliberation be inviolably observed. Moreover, the diocesan ordinaries must strive so to reform the monasteries subject to them, that when the aforesaid visitors come to them they will find in them more that is worthy of commendation than of correction, taking special care lest the monasteries be oppressed by them with undue burdens. For, while we wish that the rights of the superiors be respected, we do not on that account wish that injury be sustained by inferiors. We strictly command diocesan bishops and persons attending the chapters, that with ecclesiastical censure-every appeal being denied-they restrain advocates, patrons, vicegerents, rulers, consuls, nobles, and soldiers, and all others, from molesting the monasteries either in persons or properties and if perchance these persons should so molest, let the aforesaid bishops and chapter members not neglect to compel these latter to make satisfaction, that the monasteries may serve Almighty

God more freely and peacefully.

CANON 13

SUMMARY: The founding of new religious orders is forbidden. New monasteries must accept a rule already approved. A monk may not reside in different monasteries nor may one abbot preside over several monasteries.

Text. Lest too great a diversity of religious orders lead to grave confusion in the Church of God, we strictly forbid anyone in the future to found a new order, but whoever should wish to enter an order, let him choose one already approved. Similarly, he who would wish to found a new monastery, must accept a rule already proved. We forbid also anyone to presume to be a monk in different monasteries (that is, belong to different monasteries), or that one abbot preside over several monasteries.

CANON 14

Summary: Clerics, especially those in sacred orders, shall live chastely and virtuously. Anyone suspended for incontinency who presumes to celebrate the divine mysteries shall be forever deposed.

Text: That the morals and general conduct of clerics may be better let all strive to live chastely and virtuously, particularly those in sacred orders, guarding against every vice of desire, especially that on account of which the anger of God came from heaven upon the children of unbelief, so that in the sight of Almighty God they may perform their duties with a pure heart and chaste body. But lest the facility to obtain pardon be an incentive to do wrong, we decree that whoever shall be found to indulge in the vice of incontinence, shall, in proportion to the gravity of his sin, be punished in accordance with the canonical statutes, which we command to be strictly and rigorously observed, so that he whom divine fear does not restrain from evil, may at least be withheld from sin by a temporal penalty. If therefore anyone suspended for this reason shall presume to celebrate the divine mysteries, let him not only be deprived of his ecclesiastical benefices but for this twofold offense let him be forever deposed. Prelates who dare support such in their iniquities, especially in view of money or other temporal advantages, shall be subject to a like punishment. But if those, who according to the practice of their country have not renounced the conjugal bond, fall by the vice of impurity, they are to be punished more severely, since they can use matrimony lawfully.

CANON 15

SUMMARY Clerics, who after being warned do not abstain from drunkenness, shall be suspended from their office and benefice.

Text. All clerics shall carefully abstain from drunkenness. Wherefore, let them accommodate the wine to themselves, and themselves to the wine. Nor shall anyone be encouraged to drink, for drunkenness banishes reason and incites to lust. We decree, therefore, that that abuse be absolutely abolished by which in some localities the drinkers bind themselves *suo modo* to an equal portion of drink and he in their judgment is the hero of the day who out drinks the others. Should anyone be culpable in this matter, unless he heeds the warning of the superior and makes suitable satisfaction, let him be suspended from his benefice or office.

We forbid hunting and fowling to all clerics; wherefore, let them not presume to keep dogs and birds for these purposes.

CANON 16

SUMMARY Clerics are not to engage in secular pursuits, attend unbecoming exhibitions, visit taverns, or play games of chance. Their clothing must be in keeping with their dignity.

Text. Clerics shall not hold secular offices or engage in secular and, above all, dishonest pursuits. They shall not attend the performances of mimics and buffoons, or theatrical representations. They shall not visit taverns except in case of necessity, namely, when on a journey. They are forbidden to play games of chance or be present at them. They must have a becoming crown and tonsure and apply themselves diligently to the study of the divine offices and other useful subjects. Their garments must be worn clasped at the top and neither too short nor too long. They are not to use red or green garments or curiously sewed together gloves, or beak-shaped shoes or gilded bridles, saddles, pectoral ornaments (for horses), spurs, or anything else indicative of superfluity. At the divine office in the church they are not to wear cappas with long sleeves, and priests and dignitaries may not wear them elsewhere except in case of danger when circumstances should require a change of outer garments. Buckles may under no condition be worn, nor sashes having ornaments of gold or silver, nor rings, unless it be in keeping with the dignity of their office. All bishops must use in public and in the church outer garments made of linen, except those who are monks, in which case they must wear the habit of their order; in public they must not appear with open mantles, but these must be clasped either on the back of the neck or on the bosom.

CANON 17

SUMMARY. Prelates and clerics are commanded in virtue of obedience to celebrate diligently and devoutly the diurnal and nocturnal offices.

Text: It is a matter for regret that there are some minor clerics and even prelates who spend half of the night in banqueting and in unlawful gossip, not to mention other abuses, and in giving the remainder to sleep. They are scarcely awakened by the diurnal concerts of the birds. Then they hasten through matins in a hurried and careless manner. There are others who say mass scarcely four times a year and, what is worse, do not even attend mass, and when they are present they are engaged outside in conversation with lay people to escape the silence of the choir; so that, while they readily lend their ears to unbecoming talk, they regard with utter indifference things that are divine. These and all similar things, therefore, we absolutely forbid under penalty of suspension, and strictly command in virtue of obedience that they celebrate diligently and devoutly the diurnal and nocturnal offices so far as God gives them strength.

CANON 18

SUMMARY Clerics may neither pronounce nor execute a sentence of death. Nor may they act as judges in extreme criminal cases, or take part in matters connected with judicial tests and ordeals.

Text. No cleric may pronounce a sentence of death, or execute such a sentence, or be present at its execution. If anyone in consequence of this prohibition (*hujusmodi occasions statuti*) should presume to inflict damage on churches or injury on ecclesiastical persons, let him be restrained by ecclesiastical censure. Nor may any cleric write or dictate letters destined for the execution of such a sentence. Wherefore, in the chanceries of the princes let this matter be committed to laymen and not to clerics. Neither may a cleric act as judge in the case of the Rotarii, archers, or other men of this kind devoted to the shedding of blood. No subdeacon, deacon, or priest shall practice that part of surgery involving burning and cutting. Neither shall

anyone in judicial tests or ordeals by hot or cold water or hot iron bestow any blessing; the earlier prohibitions in regard to dueling remain in force.

CANON 19

SUMMARY: Household goods must not be stored in churches unless there be an urgent necessity. Churches, church vessels, and the like must be kept clean.

Text: We do not wish to leave uncorrected the practice of certain clerics who convert the churches into storehouses for their own household goods and also for those of others," so that the churches have the appearance of the houses of lay people rather than of the house of God, not considering that the Lord does not permit the carrying of a vessel through the temple. There are also others who not only neglect to keep the churches clean but also leave the vessels, vestments, palls, and corporals so unclean that sometimes they are a source of aversion. Wherefore, since the zeal of the house of God hath eaten us up (John 2: I 7), we strictly forbid that household goods be placed in the churches, unless by reason of hostile invasion, sudden fire, or other urgent reasons it should become necessary to store them there. When, however, the necessity no longer exists, let them be returned to their proper place. We command also that the aforesaid churches, vessels, corporals, and vestments be kept clean and bright. For it is absurd to tolerate in sacred things a filthiness that is unbecoming even in profane things.

CANON 20

SUMMARY: In all churches the Eucharist and the chrism must be kept under lock and .key. Those who neglect to do this, are to be suspended.

Text: We decree that in all churches the chrism and the Eucharist be kept in properly protected places provided with locks and keys, that they may not be reached by rash and indiscreet persons and used for impious and blasphemous purposes. But if he to whom such guardianship pertains should leave them unprotected, let him be suspended from office for a period of three months. And if through his negligence an execrable deed should result, let him be punished more severely.

CANON 21

SUMMARY Everyone who has attained the age of reason is bound to confess his sins at least once a year to his own parish pastor with his permission to another, and to receive the Eucharist at least at Easter. A priest who reveals a sin confided to him in confession is to be deposed and relegated to a monastery for the remainder of his life.

Text. All the faithful of both sexes shall after they have reached the age of discretion faithfully confess all their sins at least once a year to their own (parish) priest and perform to the best of their ability the penance imposed, receiving reverently at least at Easter the sacrament of the Eucharist, unless perchance at the advice of their own priest they may for a good reason abstain for a time from its reception; otherwise they shall be cut off from the Church (excommunicated) during life and deprived of Christian burial in death. Wherefore, let this salutary decree be published frequently in the churches, that no one may find in the plea of ignorance a shadow of excuse. But if anyone for a good reason should wish to confess his sins to another priest, let him first seek and obtain permission from his own (parish) priest, since otherwise he (the other priest) cannot loose or bind him.

Let the priest be discreet and cautious that he may pour wine and oil into the wounds of the one injured after the manner of a skilful physician, carefully inquiring into the circumstances of the sinner and the sin, from the nature of which he may understand what kind of advice to give and what remedy to apply, making use of different experiments to heal the sick one. But let him exercise the greatest precaution that he does not in any degree by word, sign, or any other manner make known the sinner, but should he need more prudent counsel, let him seek it cautiously without any mention of the person. He who dares to reveal a sin confided to him in the tribunal of penance, we decree that he be not only deposed from the sacerdotal office but also relegated to a monastery of strict observance to do penance for the remainder of his life.

CANON 22

SUMMARY. Physicians of the body called to the bedside of the sick shall before all advise them to call for the physician of souls, so that, spiritual health being restored, bodily health will follow.

Text: Since bodily infirmity is sometimes caused by sin, the Lord saying to the sick man whom he had healed: "Go and sin no more, lest some worse thing happen to thee" (John 5: 14), we declare in the present decree and strictly command that when physicians of the body are called to the bedside of the sick, before all else they admonish them to call for the physician of souls, so that after spiritual health has been restored to them, the application of bodily medicine may be of greater benefit, for the cause being removed the effect will pass away. We publish this decree for the reason that some, when they are sick and are advised by the physician in the course of the sickness to attend to the salvation of their soul, give up all hope and yield more easily to the danger of death. If any physician shall transgress this decree after it has been published by bishops, let him be cut off (*arceatur*) from the Church till he has made suitable satisfaction for his transgression. And since the soul is far more precious than the body, we forbid under penalty of anathema that a physician advise a patient to have recourse to sinful means for the recovery of bodily health.

CANON 23

SUMMARY If those to whom it Pertains neglect to elect a bishop for a cathedral within three months, then this duty devolves upon the next immediate superior. If he neglects to do so within three months, he shall be punished.

Text. That the ravenous wolf may not invade the Lord's flock that is without a pastor, that a widowed church may not suffer grave loss in its properties, that danger to soul may be averted, and that provision may be made for the security of the churches, we decree that a cathedral or regular church must not be without a bishop for more than three months. If within this time an election has not been held by those to whom it pertains, though there was no impediment, the electors lose their right of voting, and the right to appoint devolves upon the next immediate superior. Let the one upon whom this right to appoint devolves, having God before his eyes, not delay more than three months to provide canonically and with the advice of the chapter and other prudent men the widowed church with a suitable pastor, if he wishes to escape canonical punishment. This pastor is to be chosen from the widowed church itself, or from another in case a suitable one is not found therein.

CANON 24

SUMMARY. Three forms or methods of election are recognized: the normal one by ballot, by compromise, and by quasi-inspiration. No one may vote by proxy.

Text. Since, on account of the different forms of elections which some endeavor to employ, many impediments arise and great danger threatens the widowed churches, we decree that when an election is to take place and all are present who ought, wish, and are able to be present, let three trustworthy members of the assembly be chosen who shall with care collect secretly and one by one the votes of all; and when these have been written down, he is to be considered elected who has obtained all or the majority of the votes of the chapter, absolutely no appeal being allowed. Or the authority of making the choice may be entrusted to some confidential persons, who in the place of all may provide a pastor for the widowed church. An election in any other form is not valid, unless perchance there is absolute unanimity among the electors, as if by divine inspiration. Whoever shall attempt to hold an election contrary to the aforesaid forms, shall for this time be deprived of his vote. We absolutely forbid that anyone appoint a representative in the matter of an election (that is, vote by proxy), unless he be canonically impeded and cannot come, in which case, if need be, let him declare himself to that effect on oath, and then he may choose one of his colleagues at the assembly to represent him. We also disapprove of clandestine elections, and decree that as soon as an election has it must be solemnly made public.

CANON 25

Summary. He who consents to the election of himself with the aid of the secular power becomes thereby ineligible, and the election is null.

Text. Whoever shall presume to consent to the election of himself through the abusive intervention of the secular authorities contrary to canonical liberty, shall lose the advantage he has gained therefrom and shall be ineligible in the future, nor may he be chose,, or raised to any other dignity without a dispensation. Those who presume to hold an election of this kind (that is, those who allow themselves to be influenced by secular authorities), we declare to be *ipso jure* invalid, let them be absolutely suspended from offices and benefices for a period of three years, and during this time let them be deprived of the right of voting.

CANON 26

Summary. If a prelate through negligence has confirmed the election of an unworthy candidate for the guidance of souls, he is to lose the right of confirming the first successor of such a one and is also to be deprived of the revenue of his benefice, and the the one unworthily promoted is to be removed. If his action was prompted by malice, a severer penalty is to be imposed on him.

Text. Nothing is more injurious to the Church of God than the selection of unworthy prelates for the direction of souls. Wishing, therefore, to apply the necessary remedy to this evil, we decree by an irrefragable ordinance that when anyone has been elected for the guidance of souls, he to whom the confirmation of the election belongs shall carefully investigate the process and circumstances of the election as well as the person of the one elected, and only when everything proves to be satisfactory may he confirm. If through carelessness the contrary should take place, then not only the one unworthily promoted is to be removed, but the one also who furthered such promotion (by confirmation) is to be punished. The latter's punishment, we decree, shall consist in this, that when it is agreed that through negligence he confirmed a person who lacks sufficient knowledge or is wanting in integrity of morals or is not of legitimate age, not only is he to lose the right of confirming the first successor of such a person, but, that he may not in some case escape punishment, he is also to be deprived of the revenues of his benefice till he be deemed worthy of pardon. If, however, the evidence shows that his action was inspired by malice, a severer punishment is to be imposed on him. Bishops

also, if they wish to escape canonical punishment, shall take the necessary precaution to promote to sacred orders and ecclesiastical dignities only such as are qualified to discharge worthily the duties of the office committed to them. Those who are immediately subject to the Roman pontiff, must appear personally before him for confirmation if this can be done conveniently, otherwise they may send suitable persons from whom may be ascertained the necessary information regarding the process of the election and the person of the one elected; so that only after a thorough investigation by the pope will those elected obtain the plenitude of their office, provided, of course, there be no canonical obstruction. Those who live at a great distance, that is outside of Italy, if they have been elected unanimously, may in the meantime and by way of exception (*dispensative*), on account of the needs of the churches, administer the respective offices in matters spiritual and temporal, so, however that they alienate absolutely nothing belonging to the churches. The consecration or benediction let them receive as has so far been the custom."

CANON 27

SUMMARY Incompetent persons must not be promoted to the priesthood or given the direction of souls.

Text. Since the direction of souls is the art of arts, we strictly command that bishops, either themselves or through other qualified men, diligently prepare and instruct those to be elevated to the priesthood in the divine offices and in the proper administration of the sacraments of the Church. If in the future they presume to ordain ignorant and unformed men (a defect that can easily be discovered), we decree that both those ordaining and those ordained be subject to severe punishment. In the ordination of priests especially, it is better to have a few good ministers than many who are no good, for if the blind lead the blind both will fall into the pit (Matt. 15:14).

CANON 28

SUMMARY: He who seeks and obtains permission to resign must do so.

Text: There are some who urgently seek permission to resign and after obtaining such permission neglect to do so. But since in requesting a resignation they seemed to have in view the needs of the churches over which they preside or their own salvation, neither of which we wish to be impeded, whether by the sophistication of self-seeking or by mere instability, we decree that they be compelled to resign.

CANON 29

SUMMARY Anyone having a benefice with the cura animarum annexed, if he accepts another, shall lose the first; and if he attempts to retain it, he shall lose the other also. After the reception of the second benefice, the first may be freely conferred on another. If he to whom that collation belongs should delay beyond six months, then it shall devolve on another and the form shall indemnify the church for the losses incurred during the vacancy

Text. With much foresight it was prohibited in the Lateran Council that no one should, contrary to the sacred canons, accept several ecclesiastical dignities or several parochial churches; otherwise the one receiving should lose what he received, and the one who bestowed be deprived of the right of collation. But since, on account of the boldness and avarice of some, the aforesaid statute has thus far produced little or no fruit, we, wishing to meet the situation more clearly and emphatically, declare in the present decree that whoever shall accept a

benefice to which is annexed the *cura animamm* after having previously obtained such a benefice, shall *ipso jure* be deprived of this (the first one); and if perchance he should attempt to retain it, let him be deprived of the other one also. He to whom the collation of the first benefice belongs may freely confer it, after the incumbent has accepted a second, on anyone whom he may deem worthy; should he delay to do so beyond a period of six months, then in accordance with the decree of the Lateran Council, let not only its collation devolve on another, but also let him be compelled to indemnify the church in question from his own resources equal to the amount of the revenues drawn from it during its vacancy. The same we decree is to be observed in regard to dignities (personatus), adding, that no one may presume to have several dignities in the same church, even though they have not the *cura animarum* annexed. Only in the case of eminent and learned persons who are to be honored with major benefices, can the Apostolic See, if need be, grant a dispensation.

CANON 30

Summary. The provincial synod is to suspend from the collation of benefices those who after two admonitions confer benefices on unworthy persons. The removal of this suspension the pope reserves to himself or to the patriarch of the one suspended.

Text. It is a very inconsistent and grave matter that some bishops, when they can promote suitable men to ecclesiastical benefices, do not fear to choose unworthy ones, who lack integrity of morals and sufficient knowledge, following the carnal and inordinate affections for their kindred rather than the judgment of reason. The great detriment that thus accrues to the churches no one of sound mind is ignorant of. Wishing, therefore, to cure this disease, we command that unworthy persons be rejected and suitable ones, who will and can render to God and the churches an acceptable service, be chosen; and let a careful investigation in regard to this matter be made in the annual provincial synod. Anyone who has been found culpable after the first and second admonition, let him be suspended by the synod from conferring benefices, and in the same synod let a prudent and upright person be appointed who may take the place of the one suspended. The same is to be observed in regard to the chapters that prove delinquent in this matter. An offense of this kind on the part of a metropolitan must be made known by the synod to a higher superior. That this salutary provision may be more effectively observed, such a sentence of suspension may by no means be removed except by the authority of the Roman pontiff or by the patriarch of the one suspended, that in this matter also the four patriarchal sees may be specially honored.

CANON 31

Summary. Illegitimate sons of canons may not be appointed heir fathers serve. Such appointments are invalid.

Text. To destroy that worst of corruptions that grown up in many churches, we strictly forbid that the sons of canons, especially the illegitimate ones be made canons in the same secular churches in which their fathers have been appointed. Such appointments, we decree are invalid; those who presume to make them, let them be suspended from their benefices

CANON 32

Summary. The rector of a church, notwithstanding the custom of bishops and patrons must have a sufficient portion of the revenues of the church. He who has a parochial church must

serve it-himself. If another be annexed to it, a vicar must be the latter, who shall enjoy a *portio congruens* of its revenues.

Text. In some localities a vice has grown up, namely, that patrons of parochial churches and some other persons (including bishops), arrogate to themselves the revenues of those churches, leaving to the priests attached to them such a meager portion as to deprive them of a decent subsistence. For we have learned from a source, the authority of which is unquestionable that in some places the parochial clergy receive for sustenance only a *quarta quartae*, that is one sixteenth of the tithes. Whence it is that in these localities there seldom is found a parochial priest who possesses more than a very limited knowledge of letters. Since therefore the mouth of the ox that threshes should not be muzzled, and he who serves the altar should live by the altar, we decree that no custom on the part patron, or anybody else shall stand in the way of priests receiving a *portio sufficiens*.

He who has a parochial church must serve it himself and not entrust its administration to a vicar, unless perchance there be a parochial church annexed to the prebend or dignity, in which case we grant that he who has such a prebend or dignity, since it behooves him to serve in the major church, may ask to have appointed for the parochial church a suitable and irremovable vicar, who, as was said before, shall enjoy a *portio congruens* of the revenues of that church; otherwise by the authority of this decree let him be deprived of it and let it be conferred on another who will and can fulfil the aforesaid requirements. We also absolutely forbid that anyone presume to confer fraudulently on another a pension as a benefice from the revenues of a church that ought to have its own priest (*proprius saceraos*).

CANON 33

Summary. Prelates may demand procurations only when they conduct visitations and then they must observe the restrictions of the Lateran Council. On their visitations they should devote themselves to preaching and reform.

Text. The *procuraciones* [the hospitality or procuration extended to a bishop and his assistants in the course of his canonical visitation] which by reason of visitation are due to bishops, archdeacons, and others, also to legates and nuncios of the Apostolic See, are, except in a case of manifest and urgent necessity, to be demanded only when they personally conduct the visitation, and then they must observe the restrictions made by the Lateran Council [III Lat, canon 4] in regard to the number of horses and persons accompanying them. This restriction being observed, should the legates and nuncios of the Apostolic See find it necessary to make a delay in any place, to avoid being too great a burden on the place, let them receive moderate procurations from other churches or persons who have not yet been burdened in the way of supplying such sustenance; so that the number of procurations may not exceed the number of days of the delay, and should some procuration by itself not suffice, let two or more be united in one. Moreover, those conducting the visitation shall not seek their own interests, but those of Jesus Christ, devoting themselves to preaching, exhortation, correction, and reform, that they may bring back fruit that perishes not. Whoever shall presume to act contrary to this decree, shall not only return what he received, but to the church that he so oppressed he shall also make compensation equivalent to his injustice.

CANON 34

Summary. Prelates are not to take from their subjects more than is due to them. Those who act contrary to this must make restitution and also give an equal amount to the poor.

9The hospitality or procuration extended to the bishop and his assistants in the course of his canonical (fiocesan visitation.

Text. Since very many prelates, that they may provide papal legates and others with procurations and the like, extort from their subjects more than they hand over to them (to the legates), and, chasing after gain to their own damnation, seek among their subjects plunder rather than help, we forbid that this be done in the future. If anyone perchance should presume to act contrary to this decision, he shall not only restore what he has thus extorted, but he shall also be compelled to give an equal amount to the poor. If the superior with whom a complaint in regard to this matter has been lodged, proves negligent in the execution of this decree, let him be subject to canonical punishment.

CANON 35

Summary. An appellant, feeling that he has good grounds for an appeal before sentence, must make those grounds known to the judge of the first instance. If sufficient, this is to be made known to the superior judge; if insufficient, the latter must return the appellant to the judge of the first instance.

Text. That proper respect may be shown the judges and that the interests of the litigants in the matter of labor and expenses may be duly considered, we decree that when anyone proceeds against an adversary before a competent judge, he shall not without good reason appeal to a higher judge before sentence is pronounced, but shall continue his case before the same judge (that is, of the first instance), even if he say that he has sent a message to the superior judge or has received letters from the same, as long as the letters have not been given to the delegated judge. But if he thinks he has sufficient ground for an appeal, he must make known this ground to the same judge, and, if it be found legal, let it be made known to the superior judge; if the superior judge finds the ground for an appeal insufficient, he must return the appellant to the judge of the first instance, who shall condemn him to pay the expenses also of the other party. Otherwise let him proceed, saving, of course, the ordinances governing the *causae majores*, which must be referred to the Apostolic See.

CANON 36

Summary. If a judge from whose interlocutory sentence an appeal has been taken does not execute it, he can proceed with the principal cause.

Text. When an ordinary or delegated judge has pronounced a interlocutory sentence, the execution of which would be oppressive to one of the litigants, but following prudent counsel from carrying into effect this threat or interlocutory sentence. He can proceed with the principal cause, even if an appeal been taken from such a threat or interlocutory sentence (provided he be not suspected from another legitimate source), so that the progress of the case may not be delayed by trifling circumstances.

CANON 37

Summary. No one may by means of Apostolic letters be summoned before a judge who is distant more than two days from his diocese, except with the consent of both parties or express mention is made of this decree. Without an order from the other party, such letters are invalid.

Text. Some, abusing the good will of the Apostolic See, attempt to obtain from it letters

whereby their disputes may be referred to judges residing at a remote distance. This they do to fatigue the accused with labor and expenses, that thus he may be compelled to yield in the matter under dispute or by payment free himself from the vexations of the plaintiff. Since however a legal trial ought not to open the door to injustice, as is forbidden by the law, we decree that no one may by means of Apostolic letters be summoned before a judge who is distant more than two days from his diocese, except with the consent of both parties or express mention is made of this decree.

There are also others who, turning themselves to a new kind of commercialism, that they may revive old complaints or introduce new questions, fabricate causes, on the strength of which they seek letters from the Apostolic See without a mandate from the person for whom they act, which letters they offer for sale either to the accused party that with their aid he may not be exposed to the loss of labor and expenses, or to the plaintiff that with these he may fatigue his opponent by undue vexations. Since, however, disputes are to be restricted in number rather than multiplied, we decree that if anyone shall in the future presume to seek Apostolic letters upon any question without a special mandate from the person for whom he is acting, such letters shall be regarded as invalid, and he shall be punished as a falsifier, unless perchance it be a question of persons from whom a mandate ought not be legally required.

CANON 38

Summary. A judge must employ a notary or two competent men to put in writing the acts of the judicial process, so that if a dispute arise regarding any action of the judge, the truth can be established by referring to these documents. If any difficulty should arise because of a neglect of this, let the judge be punished.

Text. Since against the false assertion of an unjust judge the innocent party sometimes cannot prove the truth of a denial, because by the very nature of things there is no direct proof of one denying a fact, that falsity may not prejudice the truth, and injustice may not prevail over justice, we decree that in an ordinary as well as extraordinary inquiry (*judicium*) let the judge always employ either a public person (if he can be had) or two competent men who shall faithfully take down in writing all the acts of the inquiry, namely, citations and delays, refusals and exceptions, petitions and replies, interrogations and confessions, the depositions of witnesses and presentation of documents, interlocutions, appeals, renunciations, decisions, and other acts which take place must be written down in convenient order, the time, places, and persons to be designated. A copy of everything thus written is to be handed to each of the parties, the originals are to remain in possession of the writers; so that if a dispute should arise in regard to any action of the judge, the truth can be established by a reference to these documents. This provision is made to protect the innocent party against judges who are imprudent and dishonest. A judge who neglects to observe this decree, if on account of this neglect some difficulty should arise, let him be duly punished by a superior judge; nor is there any presumption in favor of doing things his way unless it be evident from legitimate documents in the case.

CANON 39

Summary. Anyone who knowingly accepts a stolen article must restore it to the one from whom it was taken.

Text. It often happens that a thief transfers to another what he has unjustly taken, and the one robbed is rendered helpless in any process against the possessor to obtain restitution, because the claim of possession having vanished on account of the difficulty or lack of proof, the right of

ownership ceases. Wherefore, notwithstanding the rigor of the civil law, we decree that if anyone in the future shall knowingly accept such an article, thus becoming a participant in the theft-for after all there is little difference, especially when it is a question of danger to the soul, whether one holds unjustly or takes what belongs to another-the one robbed is to be assisted to obtain restitution from such a possessor.

CANON 40

Summary. The plaintiff is still the owner of the article that has for one year by violence or deceit been withheld from him.

Text. It sometimes happens that the plaintiff to whom, in consequence of the non-appearance (*contumacia*, that is, disobedience) of the opposing party, the possession of the object in dispute is judicially awarded, cannot on account of the violence or deceit of the accused obtain actual possession for a whole year, and thus, since in the opinion of many he is not after the lapse of a year to be regarded as the owner, the malice of the accused gains the advantage. Therefore, that the condition of the disobedient may not be better than that of the obedient, we decree that in the aforesaid case even after the lapse of a year the plaintiff is the true owner.

In general we forbid that decisions in ecclesiastical matters be referred to a layman, because it is not becoming that a layman should arbitrate in much matters.

CANON 41

Summary. No prescription is valid unless it rests on good faith.

Text. Since all that is not of faith is sin (Rom. 14: 23), we decree that no prescription, whether canonical or civil, is valid unless it rests on good faith; because in a general way a prescription that cannot be maintained without mortal sin is in conflict with all law and custom. Wherefore it is essential that he who holds a prescription should at no time be aware of the fact that the object belongs to another.

CANON 42

SUMMARY No cleric may so extend his jurisdiction as to become detrimental to secular justice.

Text. As desirous as we are that laymen do not usurp the rights of clerics, we are no less desirous that clerics abstain from arrogating to themselves the rights of laymen. Wherefore we forbid all clerics so to extend in the future their jurisdiction under the pretext of ecclesiastical liberty as to prove detrimental to secular justice; but let them be content with the laws and customs thus far approved, that the things that are Caesar's may be rendered to Caesar, and those that are God's may by a just division be rendered to God.

CANON 43

Summary. Clerics under no obligation to laymen in matters temporal are not bound to take an oath of fidelity to them.

Text. Some laymen (that is, princes) attempt to usurp too much of the divine right when they compel ecclesiastical persons who are under no obligation to them in matters temporal, to take an oath of fidelity to them. Wherefore, since according to the Apostle, "To the Lord the servant standeth or falleth" (Rom. 14: 4), we forbid by the authority of the sacred council that such

clerics be forced by secular persons to take an oath of this kind.

CANON 44

Summary. Alienation of ecclesiastical properties by laymen without the legitimate consent of ecclesiastical authority is forbidden.

Text. Since no power to dispose of ecclesiastical properties has been given to laymen, even though they be pious, their duty being to obey, not to command, we regret that in some of them charity has grown so cold that they do not fear in their laws or rather monstrosities (*confictionibus*) to attack the immunity of ecclesiastical property, which not only the holy fathers but also the secular princes have fortified with many privileges; presuming illicitly that power not only in the matter of the alienation of fiefs and other ecclesiastical possessions and of the usurpation of jurisdictions, but also in the matter of mortuaries and other things that seem annexed to the spiritual right. Wishing, therefore, in this matter to secure the churches against loss and to provide against such injustice, we decree with the approval of the sacred council that laws of this kind and appropriations of fiefs and other ecclesiastical properties made without the legitimate consent of ecclesiastical persons under pretext of lay power, do not hold, since they cannot be called laws but rather want of law or destruction and usurpation of jurisdiction, and those having recourse to such presumptions are to be checked ecclesiastical censure.

CANON 45

Summary. Patrons and others who exceed their rights in the matter of church government are to be restrained by censures. If they kill or mutilate a cleric, they shall lose their rights and to the fourth generation their posterity shall be excluded from clerical state.

Text. In some provinces patrons, vicegerents, and advocates of churches have so far advanced in insolence that not only do they create difficulties and mischief when vacant churches are to be provided with competent pastors, but they also presume to administer the possessions and other ecclesiastical goods at their own will; and what is worse, they do not fear to put the prelates to death. Since, therefore, what has been ordained as a means of defense must not be perverted into an instrument of destruction, we expressly forbid patrons, advocates, and vicegerents in the future to extend their jurisdiction in the aforesaid matter beyond what is permitted them by law. and should they act contrary to this, let them be restrained by canonical penalties. With the approval of the holy council we decree that if patrons, advocates, feudal tenants, vicegerents, or other beneficiaries should presume either *per se* or *per alios* to kill or mutilate the rector of some church or another cleric of that church, the patrons shall lose absolutely their right of patronage, the advocates their office of counselor, the feudal tenants their fief, the vicegerents their vicegerency, and beneficiaries their benefice. That the punishments may not be impressed upon the memory less deeply than the excesses, not only shall their heirs be deprived of all favors accruing to them from the aforesaid offices, but to the fourth generation the posterity of such shall be absolutely excluded from the clerical state, nor may they hold the office of prelate it, religious houses, unless by an act of mercy they have received a dispensation.

CANON 46

Summary. Clerics should not contribute to the needs of cities and other localities, even where the resources of the lay people do not suffice, without first consulting the Roman pontiff. Laws by those excommunicated are null. Rulers remain excommunicated after the expiration of their

term of office till they have made satisfaction.

Text. Against magistrates and rulers of cities and others who strive to oppress churches and ecclesiastical persons with taxes and other exactions, the Lateran Council, [III Lat, canon 9] desiring to protect ecclesiastical immunity, prohibited actions of this kind under penalty of anathema, commanding that transgressors and their abettors punished with excommunication until they make suitable satisfaction. But, if the bishop with his clergy should perceive such necessity or utility and without compulsion decide that the aid of the churches ought to be enlisted to meet the needs where the resources of the lay people do not suffice, let the aforesaid lay people accept such assistance humbly, devoutly, and with gratitude. However, on account of the boldness of some, let them first consult the Roman pontiff, to whom it belongs to attend to common needs. But, if even this does not allay the malice of some toward the Church of God, we add that the laws and enactments which have been promulgated by excommunicated persons in this matter or by their orders, be considered null and void and at no time whatever

be regarded as valid. But, since fraud and deception ought not to protect anyone, let no one be deceived by the illusion that, although a ruler may incur anathema during the period of his incumbency, yet on the expiration of his term of office there will be no compulsion to make due satisfaction. For both he who refuses to make satisfaction and his successor, if they do not make satisfaction within a month, we decree that they remain bound by ecclesiastical censure until they have made suitable satisfaction, since he assumes the burden who is successor in the honor.

CANON 47

Summary. Prelates are not to excommunicate subjects without a previous warning and without a reasonable cause; those guilty of this shall be punished. A subject also shall be punished who falsely protests that he has been unjustly excommunicated.

Text. With the approval of the holy council we prohibit the promulgation of the sentence of excommunication against anyone without a previous warning and in the presence of suitable persons by whom, if need be, such admonition can be proved. Should anyone act contrariwise, even if the sentence of excommunication is a just one, let him know that he is forbidden entrance to the church for a period of one month, which punishment, however, is to be altered should it be deemed advisable. Let also proper precaution be taken against excommunicating anyone without a just and reasonable cause; should this perchance have happened and he who imposed the sentence does not care to withdraw it without complaint, then the one injured may take his complaint of unjust excommunication to a superior, who, if there be no danger in delay, shall send him back to the excommunicator with the command that he absolve him within a specified time; otherwise he himself, should it seem fit, after the presentation of a sufficient reason, will grant him the required absolution either *per se* or *per alium*. When it is an evident case against the excommunicator of unjust excommunication, let him again be condemned to pay all the expenses and to repair all the damages incurred by the one unjustly excommunicated; if, however, the gravity of his fault demands it, let him be punished in accordance with the judgment of the superior, since it is not a trivial fault 'to impose such a punishment on an innocent person, unless per chance he erred from a probable cause, especially if there was apparently good ground for his action. But if against the sentence of excommunication no reasonable proof was offered by the complainant, then for the unjust annoyance of his complaint let him be condemned to pay the expenses and repair the damages, or else, let him be punished in accordance with the decision of the superior, unless perchance probable error likewise excuses him; and in regard to the matter for which he was

excommunicated, through an adequate pledge let him be compelled to make satisfaction, or let the original sentence be reimposed even for the purpose of forcing him to make condign satisfaction. But if the judge, recognizing his error, is prepared to revoke such a sentence, and he on whom it was imposed appeals against such a revocation unless satisfaction is made, let him not heed the appeal unless it be an error about which there can be a just doubt, and then on the receipt of a satisfactory pledge that he will obey the summons of him to whom the appeal has been made, or of one delegated by him, let him absolve the one excommunicated and thus he will in no way incur the penalties prescribed; let him be careful, however, not to forge an error to the detriment of another if he wishes to escape canonical punishment.

CANON 48

Summary. Provision is made that no one may through frivolous refusal deny or reject the jurisdiction of his judge.

Text. By a special prohibition it has been provided that a sentence of excommunication be promulgated against no one without a previous warning. Wishing to forestall any attempt on the part of the one thus warned to avoid, under pretext of deceitful refusal or appeal, the inquiry of the one giving the admonition, we decree that, should he assert that he entertains a suspicion in regard to the judge, let him in the presence of the judge indicate the cause of his just suspicion, and let him with his opponent, or if he has no opponent, with the judge, conjointly choose arbiters, or if together they cannot agree, let them choose without ill will two, he one and the judge the other, who may inquire into the cause of the suspicion; and if they cannot come to an agreement, let them ask for a third party, so that what two of them decide may obtain greater weight. Let them know also that, by reason of a strict precept enjoined by us in virtue of obedience under witness of the divine judge, they are bound to execute this faithfully. If the true cause of the suspicion has not been proved by them within a reasonable period of time, let the judge use his jurisdiction; but if it has been legitimately proved, then let the judge with the consent of the one who suspected him commit the matter to a competent person, or let him submit it to the superior, that the latter may take such action in his regard as should be taken.

Moreover, in case the one warned should resort to an appeal, let no heed be given to a provocation of this kind if from the evidence of the case or from his confession or from another source his guilt has been clearly established, since the remedy of appeal was not instituted for the defense of iniquity but for the protection of the innocent. If his guilt is doubtful, that he may not impede the process of the judge by recourse to a frivolous appeal, let him explain in the judge's presence the probable ground of the appeal, namely, such a ground as, if proved, would be regarded as valid. If he has an opponent, the cause of the appeal is to be continued within a period fixed by the same judge, due consideration being given to the distance, time, and nature of the business; if he does not care to continue it, then, notwithstanding the appeal, let the judge proceed with it. If there is no opponent and the cause of the appeal has been proved before the superior judge, let the latter exercise his jurisdiction. But, if the appellant fails in his proof, then the case is to be returned to the judge from whom he deceitfully 'appealed.

These two aforesaid decrees, however, we do not wish to be applied to regulars, who have their own special observances.

CANON 49

Summary. The sentence of excommunication is not to be imposed with a view of satisfying

greed, and anyone so guilty is to be severely punished.

Text. Under threat of the divine judge we absolutely forbid that anyone, impelled solely by greed, dare bind one with the chain of excommunication or absolve one so bound, especially in those regions where it is customary, when the one excommunicated is absolved impose a pecuniary punishment on him; and we decree that when it is agreed that the sentence of excommunication was an unjust one. The excommunicator be compelled by ecclesiastical censure to restore the money thus extorted; and, unless he was deceived by a probable error, let him make full compensation for the injury sustained. If he fails to do this, let other penalties be imposed.

CANON 50

Summary. *The prohibitions against marriage in the second and third degrees of affinity and against the union of the offspring from second marriages to a relative of the first usband, are removed. This prohibition does not apply beyond the fourth degree of consanguinity and affinity.*

Text. It must not be deemed reprehensible if human statutes change sometimes with the change of time, especially when urgent necessity or common interest demands it, since God himself has changed in the New Testament some things that He had decreed in the Old. Since, therefore, the prohibition against the contracting of marriage *in secundo et tertio genere affinitatis* and that against the union of the offspring from second marriages to a relative of the first husband, frequently constitute a source of difficulty and sometimes are a cause of danger to souls, that by a cessation of the prohibition the effect may cease also, we, with the approval of the holy council, revoking previous enactments in this matter, decree in the rescent statute that such persons may in the future contract marriage without hindrance. The prohibition also is not in the future to affect marriages beyond the fourth degree of consanguinity and affinity; since in degrees beyond the fourth a prohibition of this kind cannot be generally observed without grave inconvenience. This quaternary number agrees well with the prohibition of corporal wedlock of which the Apostle says that "the wife hath not power of her own body, but the husband; and in like manner the husband also hath not power of his own body, but the wife" (I Cor. 7: 4); because there are four humors in the body, which consists of four elements. Since therefore the prohibition of conjugal union is restricted to the fourth degree, we wish that it remain so *in perpetuum*, notwithstanding the decrees already issued relative to this matter either by others or by ourselves, and should anyone presume to contract marriage contrary to this prohibition, no number of years shall excuse him, since duration of time does not palliate the gravity of sin but rather aggravates it, and his crimes are the graver the longer he holds his unhappy soul in bondage .[cf. I Lat, canon 5].

CANON 51

Summary. *Clandestine marriages and witness to them by a priest are forbidden. Marriages to be contracted must be published in the churches by the priests so that, if legitimate impediments exist, they may be made known. If doubt exists, let the contemplated marriage be forbidden till the matter is cleared up.*

Text. Since the prohibition of the conjugal union in the three last degrees has been revoked, we wish that it be strictly observed in the other degrees. Whence, following in the footsteps of our predecessors, we absolutely forbid clandestine marriages; and we forbid also that a priest presume to witness such. Wherefore, extending to other localities generally the particular custom that prevails in some, we decree that when marriages are to be contracted they must

be announced publicly in the churches by the priests during a suitable and fixed time, so that if legitimate impediments exist, they may be made known. Let the priests nevertheless investigate whether any impediments exist. But when there is ground for doubt concerning the contemplated union, let the marriage be expressly forbidden until it is evident from reliable sources what ought to be done in regard to it. But if anyone should presume to contract a clandestine or forbidden marriage of this kind within a prohibited degree, even through ignorance, the children from such a union shall be considered illegitimate, nor shall the ignorance of the parents be pleaded as an extenuating circumstance in their behalf, since they by contracting such marriages appear not as wanting in knowledge but rather as affecting ignorance. In like manner the children shall be considered illegitimate if both parents, knowing that a legitimate impediment exists, presume to contract such a marriage *in conspectu ecclesiae* (not clandestinely) in disregard of every prohibition. The parochial priest who deliberately neglects to forbid such unions, or any regular priest who presumes to witness them, let them be suspended from office for a period of three years and, if the nature of their offense demands it, let them be punished more severely. On those also who presume to contract such marriages in a lawful degree, a condign punishment is to be imposed. If anyone maliciously presents an impediment for the purpose of frustrating a legitimate marriage, let him not escape ecclesiastical punishment.

CANON 52

Summary. In the matter of consanguinity and affinity, hearsay evidence is not to be relied on unless it comes from reputable persons to whom uprightness is a precious asset.

Text. Through some necessity the common mode of procedure in computing the degree of consanguinity and affinity has been replaced by another, namely, hearsay testimony, since on account of the shortness of human life eye-witnesses cannot be had in the matter of reckoning to the seventh degree. But, since we have learned from many instances and from experience that, in consequence of this, legitimate marriages are beset with many dangers, we decree that in this matter hearsay witnesses be not received in the future, since the prohibition now does not extend beyond the fourth degree, unless they be reputable persons to whom uprightness is a precious asset and who before the dispute arose obtained their testimony from those gone immediately before, not from one indeed, since he would not suffice if he were living, but from two at least, who must have been reliable persons, beyond suspicion and of good faith, since it would be absurd to admit them if their informants were worthy only of rejection. Not even if one person has obtained his testimony from many, or if an unreliable person has obtained his from men of good faith, must they be admitted as many and suitable witnesses, since even in the ordinary judicial processes the statement of one witness does not suffice, even though he shine in all the splendor of gubernatorial dignity, and, moreover, legitimate acts are denied to persons of a disreputable character. Witnesses of this kind must declare on oath that in giving their testimony they are not actuated by hatred, fear, love, or self interest; let them designate persons by their names or by a satisfactory description or circumlocution, and distinguish by a clear computation each degree on both sides, and let them include in their oath that they obtained their information from their forefathers and believe it to be so. But neither do such witnesses suffice unless they declare on oath that they have seen persons who belonged to at least one of the aforesaid degrees and who acknowledged themselves blood relatives. For it is more tolerable that some who have been united contrary to the laws of men be separated than that those who have been legitimately united separate in violation of the laws of God.

CANON 53

Summary. Owners who commit their estates to people that pursuant of their rites do not pay

tithes, must be compelled to pay them in full.

Text. In some localities there dwell people who according to their rites are not accustomed to pay tithes, though they are considered Christians. To these some owners entrust the cultivation of their estates, in order to defraud the churches of tithes and thus realize greater profits. Wishing, therefore, to safeguard the churches against loss in this matter, we decree that the owners may entrust to such people and in such a manner the cultivation of their estates, but they must without argument pay to the churches the tithes in full, and to this let them be compelled, if necessary, by ecclesiastical censure. All tithes due by reason of the divine law or by reason of an approved local custom must be paid.

CANON 54

Summary. The payment of tithes takes precedence over the payment of taxes and other expenses, and those who invert this order are to be punished.

Text. Since it is not in the power of man that the seed yield a return to the sower, because according to the words of the Apostle, "Neither he that planteth is anything, nor he that watereth; but God who giveth the increase" (I Cor. 3: 7), the decayed seed producing much fruit, some impelled too much by avarice strive to defraud in the matter of tithes, deducting from the profits and first fruits taxes and other expenses on which at times they thus escape the payment of tithes. But since the Lord, as a sign of His universal dominion, formerly reserved tithes to Himself by a special title, we, wishing to safeguard the churches against loss and souls against danger, decree that by the prerogative of general dominion the payment of tithes precedes the payment of taxes and other expenses, or at least they to whom the taxes and other expenses are paid but from which the tithes have not been deducted, should be compelled by ecclesiastical censure to pay the tithes to the churches to which they are legally due, since the obligation that attaches to a thing passes with the thing from one possessor to another.

CANON 55

Summary. The Cistercians and other monks must pay tithes to the churches from strange lands or from lands they may acquire in the future, even if they cultivate them with their own hands.

Text. Lately the abbots of the Cistercian order in general chapter assembled wisely decided in reference to our warning, that in the future the brethren of that order purchase no property on which tithes are due to the churches, unless it be for the purpose of establishing new monasteries. And if such possessions have been given to them through the pious generosity of the faithful or bought for them for the purpose of founding new monasteries, they may commit their cultivation to others by whom the tithes will be paid to the churches, lest by reason of their privileges the churches be further oppressed. We decree, therefore, that from strange lands or from lands that they may acquire in the future, though they cultivate them with their own hands or at their own expense, they pay the tithes to the churches to which they were formerly paid, unless they make some other arrangement with those churches. We therefore, holding this decree acceptable and accepted, wish it to be extended also to other regulars who enjoy similar privileges, and we ordain that the prelates of the churches be more willing and energetic in punishing evil doers and strive to observe their privileges better and more perfectly.

[Note by Schroeder: By the common law monks as well as laymen were obliged pay tithes from the fruits of their estates. This was the ancient discipline of the Church. The first who absolved

monks from the obligation of paying tithes from their landed possessions seems to have been Gregory VII. Later, Paschal II exempted monks and canons regular from the payment of tithes from lands that they cultivated with their own hands. This privilege of Paschal was granted primarily in favor of the Cistercian Order, which in its beginnings was very poor. When later the order became immensely wealthy, especially in landed possessions, this privilege became the fruitful source of conflict between the Cistercian Order and the bishops. Hence it was enacted in this decree that from all strange lands and lands that may be acquired in the future, even if cultivated with their own hands or at their own expense, the Cistercians as well as other regulars who enjoy similar privileges, must pay tithes to the churches to which they were formerly paid or make some other arrangement with those churches. Thomassin, Vetus et nova ecclesiae discipline, P. III, lib. 1, cap. 9.]

CANON 56

Summary. It is forbidden to make contracts prejudicial to parochial churches.

Text. Many regular and secular clerics, we understand, when i sometimes they lease houses or grant fiefs, make a contract prejudicial to parochial churches, namely, that the administrator or feudal tenants pay the tithes to them and choose burial among them. But, since this is prompted by avarice, we absolutely condemn a contract of this kind and declare that whatever has been received by means of such a contract must be returned to the parochial church.

CANON 57

Summary. Only members of a religious order and those who have given their possessions to the order, retaining for themselves only the usufruct, may be buried during the period of an interdict. To religious coming to an interdicted locality, only one church may be opened, and that merely once a year.

Text. That the privileges which the Roman Church has granted to some religious may be maintained in their entirety, we take occasion to make clear some things in regard to them, lest being misunderstood they lead to abuse, by reason of which they may be rightly revoked, because he deserves to lose privileges who abuses the benefits which they confer. The Apostolic See has granted permission to some regulars that to those who have become members of their order, ecclesiastical burial may not be denied if the churches to which they belong should be under interdict, provided they themselves are not excommunicated or nominally interdicted; and they may, therefore, take their brethren, whom the prelates of the churches are not permitted to bury from their churches, to their own churches for burial, if they (the deceased confrères) were not nominally under excommunication or interdict. By brethren we understand both those who, having lived in the world, gave themselves to their order and accepted its habit, and those who gave their possessions to the order, retaining for their own maintenance during life only the usufruct, who, however, may be buried from non interdicted churches of regulars or others in which they may choose to be buried; it is not, however, to be understood of those who join their fraternity and contribute annually no more than two or three denarii, for this would upset ecclesiastical order and discipline. Yet these also obtain a certain remission granted to them by the Apostolic See.

That other privilege also that has been granted to some regulars, namely, that when any of their brethren who have been sent by them to collect (alms), arrive in any city, fortified town, or village, if perchance that place be under interdict, in view of their joyful arrival the churches may be opened once a year for the celebration of the divine offices for those not under excommunication, we wish tt) be understood thus: that in each city, fortified town, or village,

only one church of the same order may, as has been said, be opened to the brethren once a year; for though the statement, that on their joyful arrival the churches may be opened, is plural, yet it is not to be understood as referring to the churches of the same place separately, but to the churches of the aforesaid places collectively otherwise, if they should visit each church of the same place, the interdict would be too much disregarded. Whoever shall presume to act contrary to these enactments, let him be subject to severe penalties.[cf. III Lat, canon 9]

CANON 58

Summary. During a general interdict the bishops may within closed doors celebrate the divine services for those not affected by the interdict.

Text. The privilege that has been granted to some religious we concede also to bishops, that, when the entire territory is under Interdict, those excommunicated and interdicted being excluded, they may sometimes with the doors closed, in a low voice and without the ringing of bells, celebrate the divine offices, unless this is expressly covered by the interdict. But we grant this to those only who in no way shared in the cause of the interdict or injected treachery or fraud, drawing out such a brief period to iniquitous loss.

CANON 59

Summary. Religious are forbidden to go security for or to borrow money from anyone beyond a fixed sum without the consent of the abbot or the greater part of the chapter.

Text. What has been forbidden by the Apostolic See to some religious orders, we wish and command to be extended to all, namely, that no religious may, without the permission of the abbot and of the greater part of his chapter, go security for anyone or borrow money from anyone beyond an amount fixed by common agreement; otherwise the convent is not held in any degree responsible for such things, unless perchance it is evident that his action would redound to the advantage of the convent. Anyone who presumes to act contrary to this, let him be subject to severe discipline.

CANON 60

Summary. Abbots are forbidden to interfere in matters that belong to the jurisdiction of the bishops.

Text. From different parts of the world complaints of bishops come to us in regard to grave excesses of some abbots, who, not content within their own spheres, extend their hands to those things that concern the episcopal office, deciding matrimonial cases, imposing public penances, granting letters of indulgences, and similar things, whence it sometimes happens that the episcopal authority is looked upon by many as something of trifling importance. Wishing, therefore, in these matters to safeguard the dignity of the bishops and the welfare of the abbots, we absolutely forbid in the present decree that abbots presume to overreach themselves in such matters if they wish to escape canonical penalties, unless they can by a special concession or other legitimate reason defend themselves in matters of this kind.

CANON 61

Summary. Religious are forbidden to receive churches and tithes from laymen without the consent of the bishops. In churches that do not belong to them pleno jure, the priests must be appointed by the bishops on presentation.

Text. In the Lateran Council regulars were forbidden to receive churches and tithes from the hands of laymen without the consent of the bishops, and under no circumstances to admit *ad divina* those excommunicated or nominally under interdict. [cf. III Lat, canon 9] Wishing to curb this evil more effectively and provide that transgressors meet with condign punishment, we decree that in churches that do not pleno *jure* belong to them, they present to the bishops priests to be appointed in accordance with the statutes of that council, that they may be responsible to them in those things that pertain to the *cura animarum*; in temporal affairs, however, let them render a satisfactory account to the monasteries. Those who have been appointed, let them not dare remove without the approval of the bishops. We add, moreover, that care be taken to present such priests as are known for their uprightness and ability or whom the probable testimony of the bishops recommends.

CANON 62

Summary. Relics are not to be sold or put on exhibition, lest the people be deceived in regard to them. Seekers of alms are not to be admitted unless they can exhibit letters of the Apostolic See or of the bishops, and they may not preach anything not contained in the letters. On the occasion of the dedication of a church, an indulgence of not more than one year may be granted; on the anniversary of the dedication-, it may not exceed forty days.

Text. From the fact that some expose for sale and exhibit promiscuously the relics of saints, great injury is sustained by the Christian religion. That this may not occur hereafter, we ordain in the present decree that in the future old relics may not be exhibited outside of a vessel or exposed for sale. And let no one presume to venerate publicly new ones unless they have been approved by the Roman pontiff. In the future prelates shall not permit those who come to their churches *causa venerationis* to be deceived by worthless fabrications or false documents as has been done in many places for the sake of gain. We forbid also that seekers (*quaestores*) of alms, some of whom, misrepresenting themselves, preach certain abuses, be admitted, unless they exhibit genuine letters either of the Apostolic See or of the diocesan bishop, in which case they may not preach anything to the people but what is contained in those letters. We give herewith a form which the Apostolic See commonly uses in granting such letters, that the diocesan bishops may model their own upon it. The following is the form:

Forma litterarum praedicatorum

Quoniam, ut ait Apostolus, omnes stabimus ante tribunal Christi, recepturi prout in corpore gessimus, sive bonum sive malum fuerit, oportet nos diem missionis extremae misericordiae operibus praevenire, ac aeternorum intuitu seminare in terris quod reddente Domino cum multiplicato fructu colligere debeamus in caelis; firmam spem, fiduciamque tenentes, quoniam "qui parce seminat, parce et metet, et qui seminat in benedictionibus, de benedictionibus et metet in vitam aeternam." Cum igitur ad sustentationem fratrum et egenorum ad tale confluentium hospitalis propriae non suppetant facultates, universitatem vestram monemus et exhortamur in Domino atque in remissionem vobis in' jungimus peccatorum, quatenus de bonis a Deo vobis collatis pias eleemosynas et grata eis caritatis subsidia erogatis, ut per subventionem vestram ipsorum inopiae consulatur, et vos per haec et per alia bona, quae Domino inspirante feceritis, ad aeterna possitis gaudia pervenire.

Those who are assigned to collect alms must be upright and discreet, must not seek lodging for the night in taverns or in other unbecoming places, nor make useless and extravagant expenses, and must avoid absolutely the wearing of the habit of a false religious.

Since, through indiscreet and superfluous indulgences which some prelates of churches do not

hesitate to grant, contempt is brought on the keys of the Church, and the penitential discipline is weakened, we decree that on the occasion of the dedication of a church an indulgence of not more than one year be granted, whether it be dedicated by one bishop only or by many, and on the anniversary of the dedication the remission granted for penances enjoined is not to exceed forty days. We command also that in each case this number of days be made the rule in issuing letters of indulgences which are granted from time to time, since the Roman pontiff who possesses the plenitude of power customarily observes this rule in such matters .

CANON 63

Summary. It is simoniacal to demand something for the consecration of bishops, the blessing of abbots, and the ordination of clerics; nor is custom any excuse.

Text. We have learned with certainty that in many places and by many persons exactions and base extortions are made for the consecration of bishops, the blessing of abbots, and the ordination of clerics, and that a tax is fixed as to how much this one or that one is to receive and how much this one or that one is to pay; and what is worse, some endeavor to defend such baseness and depravity by an appeal to a custom of long standing. Therefore, wishing to abolish such abuse, we absolutely condemn a custom of this kind, which ought rather to be called corruption, firmly decreeing that neither for those conferring nor for the things conferred shall anyone presume to demand or to extort something under any pretext whatsoever. Otherwise both he that has received and he that has given a price of this kind, shall share the condemnation of Giezi and Simon. [cf. IV Kings 5:20-27, and Acts 8:9-24].

CANON 64

Summary. Religious are not to be received for a price. If this happens, both the one receiving and the one received shall, without hope of restoration, be removed from the community. Those who were received in such a manner before the publication of this decree, must be placed in other communities of the same order.

Text. Since the stain of simony has so infected many nuns that scarcely any are received into the community without a price, doing this on the plea of poverty to conceal that evil, we strictly forbid that this be done in the future, decreeing that whoever in the future shall be guilty of such irregularity, both the one receiving and the one received, whether subject or superioress, shall, without hope of restoration, be removed from their monastery to one of stricter observance to do penance for the remainder of their life. Those nuns, however, who have been so received before the publication of this decree, are to be removed from the monasteries which they entered in a wrong manner and placed in others of the same order. But if on account of lack of room they cannot perchance be conveniently placed elsewhere, lest they should to their own loss become wanderers in the world, let them be received anew *per modum dispensationis* in the same monastery, and from the priority of places which they held in the community let them be assigned to lower ones. This we decree is to be observed also with regard to monks and other regulars. But, lest they should attempt to excuse themselves on grounds of simplicity or ignorance, we command the bishops to see to it that this decree is published every year throughout their diocese.

CANON 65

Summary. Bishops are not to demand anything for the appointment of pastors. Entrance into a monastery and burial must be free.

Text. We have heard it said of some bishops that on the death of rectors of churches they place the churches under interdict and will not allow any persons to be appointed to the vacancies till a certain sum of money has been paid them. Moreover, when a soldier or cleric enters a monastery or chooses to be buried among religious, though he has left nothing to the religious institution, difficulties and villainy are forced into service till something in the nature of a gift comes into their hands. Since, therefore, according to the Apostle we must abstain not only from evil but also from every appearance of evil, we absolutely forbid exactions of this kind. If any transgressor be found, let him restore double the amount exacted; this is to be placed faithfully at the disposal of those localities to whose detriment the exactions were made.

CANON 66

Summary. The sacraments must be administered freely. The bishops should exhort the people to retain pious customs.

Text. It has frequently come to the ears of the Apostolic See that some clerics demand and extort money for burials, nuptial blessings, and similar things, and, if perchance their cupidity is not given satisfaction, they fraudulently interpose fictitious impediments. On the other hand, some laymen, under the pretext of piety but really on heretical grounds, strive to suppress a laudable custom introduced by the pious devotion of the faithful in behalf of the church (that is, of giving freely something for ecclesiastical services rendered). Wherefore, we forbid that such evil exactions be made in these matters, and on the other hand command that pious customs be observed, decreeing that the sacraments of the Church be administered freely and that those who endeavor maliciously to change a laudable custom be restrained by the bishops of the locality when once the truth is known.

CANON 67

Summary. Jews should be compelled to make satisfaction for the tithes and offerings of churches, which the Christians supplied before their properties fell into the hands of the Jews.

Text. The more the Christians are restrained from the practice of usury, the more are they oppressed in this matter by the treachery of the Jews, so that in a short time they exhaust the resources of the Christians. Wishing, therefore, in this matter to protect the Christians against cruel oppression by the Jews, we ordain in this decree that if in the future under any pretext Jews extort from Christians oppressive and immoderate interest, the partnership of the Christians shall be denied them till they have made suitable satisfaction for their excesses. The Christians also, every appeal being set aside, shall, if necessary, be compelled by ecclesiastical censure to abstain from all commercial intercourse with them. We command the princes not to be hostile to the Christians on this account, but rather to strive to hinder the Jews from practicing such excesses. Lastly, we decree that the Jews be compelled by the same punishment (avoidance of commercial intercourse) to make satisfaction for the tithes and offerings due to the churches, which the Christians were accustomed to supply from their houses and other possessions before these properties, under whatever title, fell into the hands of the Jews, that thus the churches may be safeguarded against loss.

CANON 68

Summary. Jews and Saracens of both sexes in every Christian province must be distinguished from the Christian by a difference of dress. On Passion Sunday and the last three days of Holy Week they may not appear in public.

Text: In some provinces a difference in dress distinguishes the Jews or Saracens from the Christians, but in certain others such a confusion has grown up that they cannot be distinguished by any difference. Thus it happens at times that through error Christians have relations with the women of Jews or Saracens, and Jews and Saracens with Christian women. Therefore, that they may not, under pretext of error of this sort, excuse themselves in the future for the excesses of such prohibited intercourse, we decree that such Jews and Saracens of both sexes in every Christian province and at all times shall be marked off in the eyes of the public from other peoples through the character of their dress. Particularly, since it may be read in the writings of Moses [Numbers 15:37-41], that this very law has been enjoined upon them.

Moreover, during the last three days before Easter and especially on Good Friday, they shall not go forth in public at all, for the reason that some of them on these very days, as we hear, do not blush to go forth better dressed and are not afraid to mock the Christians who maintain the memory of the most holy Passion by wearing signs of mourning.

This, however, we forbid most severely, that any one should presume at all to break forth in insult to the Redeemer. And since we ought not to ignore any insult to Him who blotted out our disgraceful deeds, we command that such impudent fellows be checked by the secular princes by imposing them proper punishment so that they shall not at all presume to blaspheme Him who was crucified for us.

[Note by Schroeder: In 581 the Synod of Macon enacted in canon 14 that from Thursday in Holy Week until Easter Sunday, .Jews may not in accordance with a decision of King Childebert appear in the streets and in public places. Mansi, IX, 934; Hefele-Leclercq, 111, 204. In 1227 the Synod of Narbonne in canon 3 ruled: "That Jews may be distinguished from others, we decree and emphatically command that in the center of the breast (of their garments) they shall wear an oval badge, the measure of one finger in width and one half a palm in height. We forbid them moreover, to work publicly on Sundays and on festivals. And lest they scandalize Christians or be scandalized by Christians, we wish and ordain that during Holy Week they shall not leave their houses at all except in case of urgent necessity, and the prelates shall during that week especially have them guarded from vexation by the Christians." Mansi, XXIII, 22; Hefele-Leclercq V 1453. Many decrees similar to these in content were issued by synods before and after this Lateran Council. Hefele-Leclercq, V and VI; Grayzel, The Church and the Jews in the XIIIth Century, Philadelphia, 1933.]

CANON 69

Summary. Jews are not to be given public offices. Anyone instrumental in doing this is to be punished. A Jewish official is to be denied all intercourse with Christians.

Text. Since it is absurd that a blasphemer of Christ exercise authority over Christians, we on account of the boldness of transgressors renew in this general council what the Synod of Toledo (589) wisely enacted in this matter, prohibiting Jews from being given preference in the matter of public offices, since in such capacity they are most troublesome to the Christians. But if anyone should commit such an office to them, let him, after previous warning, be restrained by such punishment as seems proper by the provincial synod which we command to be celebrated every year. The official, however, shall be denied the commercial and other intercourse of the Christians, till in the judgment of the bishop all that he acquired from the Christians from the time he assumed office be restored for the needs of the Christian poor, and the office that he irreverently assumed let him lose with shame. The same we extend also to pagans. *[Mansi, IX, 995; Hefele-Leclercq, III, 7.27. This canon 14 of Toledo was frequently renewed.]*

CANON 70

Summary. Jews who have received baptism are to be restrained by the prelates from returning to their former rite.

Text. Some (Jews), we understand, who voluntarily approached the waters of holy baptism, do not entirely cast off the old man that they may more perfectly put on the new one, because, retaining remnants of the former rite, they obscure by such a mixture the beauty of the Christian religion. But since it is written: "Accursed is the man that goeth on the two ways" (Ecclus. 2:14), and "a garment that is woven together of woollen and linen" (Deut. 22: ii) ought not to be put on, we decree that such persons be in every way restrained by the prelates from the observance of the former rite, that, having given themselves of their own free will to the Christian religion, salutary coercive action may preserve them in its observance, since not to know the way of the Lord is a lesser evil than to retrace one's steps after it is known.

HOLY LAND DECREES

Summary. A series of decrees dealing with the preparation of a crusade to the Holy Land.

Text. Desiring with an ardent desire to liberate the Holy Land from the hands of the ungodly, we decree with the advice of prudent men who are fully familiar with the circumstances of the times, and with the approval of the council, that all who have taken the cross and have decided to cross the sea, hold themselves so prepared that they may, on June 1 of the year after next (1217), come together in the Kingdom of Sicily, some at Brundisium and others at Messina, where, God willing, we (the Pope) will be present personally to order and to bestow on the Christian army the divine and Apostolic blessing. Those who decide to make the journey by land, should strive to hold themselves prepared for the same time; for their aid and guidance we shall in the meantime appoint a competent legate *a latere*. Priests and other clerics who are with the Christian army, subjects as well as prelates, must be diligent in prayer and exhortation, teaching them (the crusaders) by word and example that they have always before their eyes the fear and love of God, lest they say or do something that might offend the majesty of the eternal King. And should any have fallen into sin, let them quickly rise again through true repentance, practicing humility both interiorly and exteriorly, observing moderation in food as well as in clothing, avoiding dissensions and emulations, and divesting themselves of all malice and ill will, that being thus fortified with spiritual and material arms, they may fight with greater success against the enemies of the faith, not indeed relying on their own strength but putting their trust in the power of God. To the clerics we grant for a period of three years as complete an enjoyment of their benefices as if they actually resided in them, and they may, if necessary, even give them as pledges during this time. Therefore, that this undertaking may not be impeded or retarded, we strictly command all prelates that each one in his own territory induce those who have laid aside the crusader's cross to resume it, and carefully to admonish them and others who have taken the cross, as well as those who happen to be engaged for this purpose, to renew their vows to God, and if necessary to compel them by excommunication and interdict to abandon all delay.

Moreover, that nothing connected with the affairs of our Lord Jesus Christ be omitted, we wish and command that patriarchs, archbishops, bishops, abbots, and others who have the care of souls, diligently explain the meaning of the crusade to those committed to them, adjuring—through the Father, Son, and Holy Ghost, one, only true, and eternal God—kings, dukes, princes, marquises, counts, barons, and other prominent men, as well as cities, villages, and towns, that those who cannot go personally to the Holy Land, will furnish a suitable number of soldiers and, for a period of three years, in proportion to their resources, will bear the

necessary expenses connected therewith for the remission of their sins, as we have made known in the general letters already sent over the world and as will be expressed in greater detail below. In this remission we wish not only those to participate who for this purpose furnish their own ships, but those also who undertake to build ships. To those declining to render aid, if perchance any should be found to be so ungrateful to God, the Apostolic See firmly protests that on the last day they will be held to render an account to us in the presence of a terrible judge. Let them first consider with what security they can appear in the presence of the only begotten Son of God, Jesus Christ, into whose hands the Father has given all things, if in this matter they refuse to serve Him who was crucified for sinners, by whose favor they live, by whose benefits they are sustained, and by whose blood they were redeemed.

But, lest we should seem to place grave and unbearable burdens on the shoulders of the people, we ourselves (the Pope) donate to the cause what we have been able to save by strict economy, 30,000 pounds, besides a ship to convey the crusaders from Rome and vicinity and 3,000 marks silver, the remnant of alms received from the faithful. The remainder we have given to Albert patriarch of Jerusalem, and to the masters of the Temple and Hospital for the necessities of the Holy Land. With the approval of the council we further decree that absolutely all clerics, subjects as well as superiors, shall, in aid of the Holy Land and for a period of three years, pay into the hands of those appointed by the Apostolic See for this purpose, one twentieth part of ecclesiastical revenues; some religious orders only being excepted and those (clerics) also who take or already have taken the crusader's cross and are about to set out personally. We and our brethren, the cardinals of the Holy Roman Church, will pay one-tenth of our revenues. All are bound to the faithful observance of this under penalty of excommunication, so that those who deliberately commit fraud in this matter will incur that penalty.

Since by the just judgment of the heavenly King it is only right that those who are associated with a good cause should enjoy a special privilege, we exempt the crusaders from collections, taxes, and other assessments. Their persons and possessions, after they have taken the cross, we take under the protection of Blessed Peter and our own, decreeing that they stand under the protection of the archbishops, bishops, and all the prelates of the Church. Besides, special protectors will be appointed, and, till their return or till their death shall have been certified, they shall remain unmolested, and if anyone shall presume the contrary, let him be restrained by ecclesiastical censure.

In the case of crusaders who are bound under oath to pay interest, we command that their creditors be compelled to cancel the oath given and to cease exacting interest. Should any creditor force the payment of interest, we command that he be similarly forced to make restitution. We command also that Jews be compelled by the secular power to cancel interest, and, till they have done so, intercourse with them must be absolutely denied them by all Christians under penalty of excommunication. For those who cannot be their departure pay their debts to the Jews, the secular princes shall provide such a delay that from the time of their departure till their return or till their death is known, they shall not be embarrassed with the inconvenience of paying interest. If a Jew has received security (for example, a piece of ground) for such a debt, he must, after deducting his own expenses, pay to the owner the income from such security. Prelates who manifest negligence in obtaining justice for the crusaders and their servants, shall be subject to severe penalty.

Since the corsairs and pirates too vehemently impede assistance to the Holy Land by capturing and robbing those who go there and those returning, we excommunicate them and their principal abettors and protectors, forbidding under threat of anathema that anyone knowingly hold intercourse with them in any contract of buying and selling, and enjoin upon the rulers of

cities and their localities that they check and turn them away from this iniquity. And since an unwillingness to disturb the perverse is nothing else than to favor them, and is also an indication of secret association with them on the part of those who do not resist manifest crime, we wish and command that severe ecclesiastical punishment be imposed by the prelates on their persons and lands. We excommunicate and anathematize, moreover, those false and ungodly Christians who furnish the enemies of Christ and the Christian people with arms, iron, and wood for the construction of ships; those also who sell them ships and who in the ships of the Saracens hold the post of pilot, or in any other way give them aid or advice to the detriment of the Holy Land; and we decree that their possessions be confiscated and they themselves become the slaves of their captors. We command that this sentence be publicly announced in all maritime cities on all Sundays and festival days, and that to such people the church be not opened till they return all that they have obtained in so reprehensible a traffic and give the same amount of their own -in aid of the Holy Land. In case they are not able to pay, then let them be punished in other ways, that by their chastisement others may be deterred from undertaking similar pursuits.

Furthermore, under penalty of anathema, we forbid all Christians for a period of four years to send their ships to Oriental countries, inhabited by the Saracens, in order that a greater number of ships may be available to those who wish to go to the aid of the Holy Land, and that to the Saracens may be denied the benefits that they usually reap from such commercial intercourse.

Though tournaments have been, under certain penalties, generally forbidden by different councils, since however at this time they are a serious obstacle to the success of the crusade, we strictly prohibit em under penalty of excommunication for a period of three years.

But, since for the success of this undertaking it is above all else necessary that princes and Christian people maintain peace among themselves, we decree with the advice of the holy council that for four years peace be observed in the whole Christian world, so that through the prelates discordant elements may be brought together in the fulness of peace, or at least to the strict observance of the truce. Those who refuse to acquiesce in this, are to be compelled by excommunication and interdict, unless the malice that inspired their wrongdoings was such that they ought not to enjoy such peace. But, if by chance they despise ecclesiastical censure, they have every reason to fear lest by the authority of the Church the secular power will be invoked against them as disturbers of the affairs of the One crucified.

We, therefore, by the mercy of the omnipotent God, trusting in the authority of the Blessed Apostles Peter and Paul, in virtue of that power of binding and loosing which God has conferred on us, though unworthy, grant to all who aid in this work personally and at their own expense, a full remission of their sins which they ,have sincerely repented and orally confessed, and promise them when the just shall receive their reward an increase of eternal happiness. To those who do not personally go to the Holy Land, but at their own expense send there as many suitable men as their means will permit, and to those also who go personally but at the expense of others, we grant a full remission of their sins. Participants of this remission are, moreover, all who in proportion to their means contribute to the aid of the Holy Land, or in regard to what has been said give opportune advice and assistance. Finally, to all who in a spirit of piety aid in bringing to a successful issue this holy under. taking, this holy and general council imparts the benefits of its prayers and blessings that they may advance worthily to salvation. Amen.

Commentary, (St. Louis: B. Herder, 1937). pp. 236-296.

NOTE 1: B. Herder's list was bought by TAN books, of Rockford IL. TAN confirmed that US copyright was not renewed after the statutory 28 years and that the text is now in the public domain in the US.]

NOTE 2: Fr. Schroeder accompanied the text with a commentary which, while well informed, was dominated by a concern to defend Catholic positions of his own time, and contained, moreover, a number of verbal attacks on the Orthodox churches. This commentary has not been reproduced here.]

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halsall@murray.fordham.edu